UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/25497
31 March 1993

ORIGINAL: ENGLISH

LETTER DATED 30 MARCH 1993 FROM THE PERMANENT REPRESENTATIVE OF VIET NAM TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

Upon instructions from my Government, I have the honour to transmit to you herewith the statement of the spokeswoman of the Ministry of Foreign Affairs of the Socialist Republic of Viet Nam concerning the responsibility of the protection of the Vietnamese residents in Cambodia.

I would be very grateful if you could have this statement circulated as a document of the Security Council.

(Signed) TRINH XUAN LANG
Permanent Representative

Annex

Statement dated 26 March 1993 of the spokeswoman of the Ministry of Foreign Affairs of the Socialist Republic of Viet Nam concerning the responsibility for protecting the ethnic Vietnamese residents in Cambodia

According to foreign reports, of late, a representative of the United Nations Transition Authority in Cambodia (UNTAC) has said that UNTAC cannot protect the hundreds of families of ethnic Vietnamese residents who are fleeing from the acts of ethnic violence against them in the north-west of Cambodia. The spokesman of UNTAC and a United Nations officer in charge of human rights in Cambodia have further stated that the responsibility for protecting the Vietnamese residents in Cambodia rests with the Government in Phnom Penh and that the United Nations can only observe the situation and wait. In answering the questions posed by several correspondents on this issue, the spokeswoman of the Ministry of Foreign Affairs has stated as follows:

UNTAC and the administrative structures in Cambodia have not only the moral but also legal obligations to protect the ethnic Vietnamese residents in Cambodia.

In legal terms, the Paris Agreements most clearly provide for the responsibility vis-à-vis this issue:

1. Article 16 of the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict stipulates that "UNTAC shall be responsible during the transitional period for fostering an environment in which respect for human rights shall be ensured, based on the provisions of annex 1, section E" (A/46/608-S/23177, annex).

As provided in the Paris Agreements, UNTAC is the United Nations authority in Cambodia and has the direct responsibility for ensuring the implementation of the Paris Agreements which includes aspects relating to the observance of human rights, the maintenance of public order and the protection of the lives and properties of all persons in Cambodia, including the ethnic Vietnamese residents.

Articles 3 and 5 of the Agreement concerning the Sovereignty, Independence, Territorial Integrity and Inviolability, Neutrality and National Unity of Cambodia also stipulate that the parties to the Agreement undertake to promote and encourage respect for and observance of human rights and fundamental freedoms in Cambodia and that in the event of serious violations of human rights in Cambodia they will call upon the competent organs of the United Nations to take appropriate steps for the prevention and suppression of such violations in accordance with the relevant international instruments.

2. Paragraph 1 of article 15 of the Agreement on a Comprehensive Political Settlement of the Cambodia Conflict unambiguously states that "all persons in Cambodia and all Cambodian refugees and displaced persons shall enjoy the rights and freedoms embodied in the Universal Declaration of Human Rights and other relevant international human rights instruments". Accordingly, the

ethnic Vietnamese residents in Cambodia are entitled to the same fundamental rights as the other foreign residents in Cambodia.

The recent series of massacres perpetrated by the Khmer Rouge against the ethnic Vietnamese residents in Cambodia have caused great concern to people of conscience. These massacres constitute serious violations of human rights and are reminiscent of the past crimes of genocide. The evasion of the responsibility for the protection of the ethnic Vietnamese residents in Cambodia will but indirectly encourage the Khmer Rouge to commit further acts of terror and massacres against the ethnic Vietnamese residents with a design to sabotage the peace process in Cambodia, obstruct the general elections in Cambodia, divert public opinion from their violations of the Paris Agreements, incite national hatred and induce the ethnic Vietnamese residents to flee to Viet Nam, thus causing instability in Viet Nam.

While reaffirming its consistent policy of cooperation with UNTAC in the implementation of the Paris Agreements, Viet Nam once again urgently requests UNTAC and all the parties concerned to take resolute and strong measures to prevent further acts of terror and massacre against the ethnic Vietnamese residents in Cambodia and to ensure that they enjoy the fundamental human rights as provided in the Paris Agreements and other relevant international instruments.